

REMARKS

Claims 1-26 are pending in the instant application. Support for the amendments can be found throughout the specification and in the original claims of the application. No new matter is introduced.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Applicants further request reconsideration of the subject application based on the following remarks.

Objection to the Specification

The specification is objected to for reference to trademarks. Applicants have amended the references using trademarks herewith. Applicants thus request withdrawal of the rejection.

Objection to the Claims

Claim 6 is objected to for the phrase "proteolytic and hydrolase." Applicants traverse. Applicants submit that the present terminology is correct as the terms are well known in the art. It is common in the art, for example, to refer to proteolytic enzymes and hydrolase enzymes with it being generally understood that the enzyme will break down protein or catalyze the hydrolysis of a chemical bond (respectively). Therefore, Applicants request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 4, 5 and 25 are rejected as allegedly indefinite. This rejection includes the term "high molecular weight" in claims 4 and 5, the term "appropriate" in claim 5, "surfactant compounds" in line 2 of claim 5 as opposed to a surfactant in claim 4,

line 5 and "when provided with slow-release encapsulation" in claim 25.
Applicants traverse.

The term "surfactant compounds" is replaced with "surfactants" and the term "appropriate" is removed in claim 5. Claim 25 is also amended to clarify that the tablet is a slow release, encapsulated tablet.

Applicants submit that the term "high molecular weight" in regard to its recitation in claims 4 and 5 is within the knowledge of one of ordinary skill in the art. That is, based on standard literature widely available and known in the art (whether in print form or electronic, including that accessible by readily available internet search engines) high molecular weight polyethylene glycols, high molecular weight polypropylene glycols, and high molecular weight thermoplastic surfactants can each be easily ascertained by one of ordinary skill in the art.

Based on the forgoing, Applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 1-25 are rejected in view of Scialla (EP 0 619 367 A1). Applicants traverse.

To establish a *prima facie* case of obviousness, three criteria need be met: (i) there must be a suggestion or motivation to modify the reference or combine the teachings; (ii) there must be a reasonable expectation of success; and (iii) the prior art reference must teach or suggest all the claim limitations. See, MPEP 2143. Based on the amended claims, Applicants submit that at least one of the three criteria is not met in each of the rejections stated in the Action.

Applicants claimed subject matter relates to a tablet for use in preventing biofilm growth in a drip tray. Such tablets are useful to prevent biofilm fouling, a significant problem in the water condensation environments, both industrial and domestic.

Scialla provides for solid lavatory blocks that contain enzymes to provide “an efficient stain and grease removal system” (Scialla, p. 2, lines 16-17). An aqueous solution is formed by progressive dissolution of the tablet. The Scialla subject matter is intended to remove faecal, urine and grease stains (Scialla, at p.3 line 17); which is distinguishable from the subject matter of the present application to prevent biofilm fouling. While faecal, urine and grease stains may arguably be classified as “biological material”, they are not the same as biofilm. Especially notable is the absence in Scialla of any express teaching or suggestion of a biocide, essential for dealing with biofilm. The peroxides of the citation primarily function as bleaches to remove stains.

Furthermore, Scialla is entirely silent on enzyme preserving means which is a key feature of the present invention. The Scialla tablet is designed to progressively dissolve in lavatory bowl water (Scialla, at p.2 line 30). That is in contrast to the present application where the formulation is directed to resist solubility by means of an excipient. In fact, as the tablet of Scialla is not formulated to last for a long time (in contrast to Applicants’ three month claimed embodiment), and is formulated to dissolve; as such there would be no need for an enzyme preserver in such a tablet to the extent expressly delineated in Applicants’ claimed subject matter (i.e., a tablet that provides at least three months efficacy while maintaining the necessary and desired stated function).

In short, there is simply no teaching or suggestion in Scialla (and certainly not with any reasonable expectation of success) of Applicants’ claimed subject matter. The tablet of Scialla would simply not be effective in a drip tray to prevent biofilm from blocking drainage for upwards of three months or 12 months as in the applicants preferred embodiment.

Based on the foregoing, Applicants submit that a *prima facie* case has not been established based on Scialla as Scialla fails to: (A) teach or motivate one to seek a tablet for use in preventing biofilm growth in a drip tray; and (B) teach or motivate one to provide a tablet having: (i) an excipient selected so that the tablet will not fully dissolve in water at ambient temperature for a period of at least three months; (ii) at least 500 ppm of a biocide; (iii) at least one enzyme; and (iv) enzyme preserving means for maintaining enzyme activity in a moist environment. Applicants therefor respectfully request withdrawal of the rejection.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65428(70403).

Dated: April 30, 2010

Respectfully submitted,

Customer No. 21874

Electronic signature: /Jeffrey D. Hsi/
Jeffrey D. Hsi
Registration No.: 40,024
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5569
Attorneys/Agents For Applicant